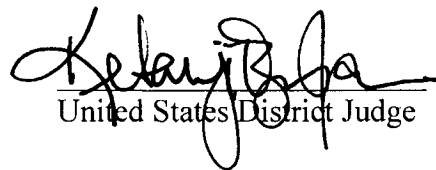


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sentence under 28 U.S.C. § 2255. *See Taylor v. U.S. Bd. of Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (stating that a motion to vacate under 28 U.S.C. § 2255 is the proper vehicle for challenging the constitutionality of a statute under which a defendant is convicted); *Ojo v. I.N.S.*, 106 F.3d 680, 683 (5<sup>th</sup> Cir. 1997) (explaining that the sentencing court is the only court with jurisdiction to hear a defendant’s complaint regarding errors that occurred before or during sentencing).

Petitioner’s appeal from the criminal court’s denial of his § 2255 is pending in the Court of Appeals. *See United States v. Becton*, No. 07-cr-00131 (D.D.C. Apr. 23, 2014), ECF No. 532 (order denying motion to vacate and certificate of appealability); Not. of Appeal, ECF No. 539. Because petitioner could have presented the instant claim in those proceedings, he is not entitled to a writ of error in *coram nobis*. *See Chaidez v. United States*, 133 S. Ct. 1103, 1106, n.1 (2013) (“A petition for a writ of coram nobis provides a way to collaterally attack a criminal conviction for a person . . . who is no longer ‘in custody’ and therefore cannot seek habeas relief under 28 U.S.C. § 2255 or § 2241) (citing *United States v. Morgan*, 346 U.S. 502, 507, 510–511 (1954)); *United States v. Hansen*, 906 F. Supp. 688, 692 (D.D.C. 1995) (in analyzing a request for a writ of error coram nobis, courts consider, among other factors, the availability of “a more usual remedy” and whether “valid reasons exist for not attacking the conviction earlier”). Consequently, this action will be dismissed. A separate order accompanies this Memorandum Opinion.

  
United States District Judge

Date: December 19, 2014